

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated February 8, 2005 are respectfully requested. Claims 13, 15, 22 and 29 have been amended to clarify features recited in the claims. Support for amendments regarding the type of equipment at a destination can be found, for example, on page 6, lines 13-19. The equipment could be a conventional telephone or a number of other devices, such as "facsimile devices, personal computers, modems, etc." By this response, claims 2-5, 7, 8, 13-18, 20-25, 27-31 are currently pending in this application.

The applicant's representative wishes to thank Examiners Jagannathan and Rao for holding a personal interview with Christopher Daley-Watson on July 19, 2005, and for the telephonic interview on September 14, 2005. During the interviews, the parties discussed U.S. Patent No. 5,910,946, the independent claims, and embodiments of the invention. Further details regarding the substance of the interview may be found below. If the Examiners believe that any additional information regarding the interview is necessary, please let the undersigned attorney know.

Embodiments of the invention are first discussed, followed by a discussion of the Csapo reference. Next, distinctions between claim 2 and the applied reference are discussed, followed by distinctions between the applied reference and the remaining independent claims.¹

Applicant's Technique

One embodiment of Applicant's technique is directed to allowing information to be transmitted from a source (e.g., mobile phone), through a hybrid network, to a receiving device at a destination. Applicants' technique facilitates communication regardless of the communication service (e.g., fixed wire communication network vs. wireless communication network) to which the destination device subscribes. With applicants' technique, the information is not packetized when leaving the source.

¹ Silence regarding a position taken by or argument made by the Examiner does not indicate any acquiescence to that position or argument. Furthermore, arguments made with respect to a particular claim or claims apply only to that claim or claims, and not to other claims, unless specifically noted herein.

Rather, in some embodiments, voice information leaving the source 30 is digitized and compressed at a remote unit 80 associated with the source equipment, and then packetized within an internal network node, such as a base station 70. (See Applicant's Specification at page 16, lines 9-16.) In this way, valuable wireless bandwidth is conserved when its use is not necessary, and the source device does not need to be modified to function over the hybrid network. Moreover, applicants' technique facilitates communication for a wide range of receiving devices. For example, the equipment at the destination may be one of a number of wired devices, such as a conventional wired telephone, a facsimile device, a personal computer, a modem, etc., or it may be a wireless device, such as a mobile phone, PDA, laptop, etc. (See Applicants' Specification at page 6, lines 16-19 and page 7, lines 15 and 16.)

Applicants' technique includes determining or selecting one of multiple routing options through a hybrid communication network so that information can be transmitted from a source to a destination. While a large number of routing options exist within a hybrid network, applicants describe three general types of routes, as shown in Figure 1 of applicants' Specification.

For example, when the destination device subscribes to a wireline network, a relatively direct and typically inexpensive route can be taken from base station, through switching unit 60, through PSTN 23 and through LEC 50 to reach the destination device. (Specification at Figure 1.) The relatively direct route may be selected depending on the type of equipment at the destination. For example, the relatively direct route may be possible when the destination device is capable of handling digital information, such as a modem. However, if the device subscribing to the wireline service is not capable of handling digital information, a less direct route may be taken from base station 70 to an access node 20, to a data network 10c, to a second access node 100, to a gateway 130, to a switching unit 140, then on to an LEC 50. (Specification at Figure 1.) In this way, the information traveling through the route can be formatted as necessary to effectively reach the wired destination in usable form. Alternatively, when the device at the destination subscribes to a wireless communication network, a route via the wireless portion of the hybrid network may be used, as shown in one of the route options illustrated in Figure 1.

In order to choose the correct route of communication, the system looks to a database to determine the type of equipment used by the destination device, identifies the destination device as a wireless subscriber or a PSTN subscriber, and upon identification, determines the proper routing path based on it's knowledge of the network topology. (Specification at page 15, lines 5-10). In addition, the system stores characteristics (such as the type of information able to be processed) about the destination device, and utilizes this information when choosing the routing path. Therefore, the system utilizes multiple sources or types of information in choosing a route of communication.

The Applied Art

Csapo is directed to network architecture for achieving voice and data service over the internet, allowing mobile subscribers to trade voice and data messages with each other over the internet, and to trade voice and data messages with others over the PSTN network. (Column 3, lines 16-22). Specifically, upon initiation of a call, a control unit 47 accesses a home location register (HLR), or visitor location register (VLR) if roaming, to request identification of a called party number and to find out the last known location of a called mobile subscriber. As is known in the art, an HLR is a database of wireless subscriber information for a given wireless services provider. If the number is not found, "the call request is considered by the IBS as a mobile-to-land line equipment directed call." (Column 4, lines 14-30). Therefore, a called mobile subscriber not listed in the HLR of the calling party's service provider will simply be treated as land line equipment by the system. The internet base station (IBS) then initiates an internet based voice call connection upon positive acknowledgement from the HLR, and initiates an ISDN local exchange connection when the HLR is unable to provide information about the called party number. (Column 4, lines 23-39). Csapo, therefore, utilizes a simple HLR lookup to determine the best way to properly connect a call from a source to a destination, and does not rely on a positive confirmation for all received calls.

Rejections Under 35 U.S.C. 102

Claims 2-5, 7-8, 13-15, 17-18, 20-25 and 27-31 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,910,946 to Csapo.²

Csapo fails to disclose all the limitations of the pending claims, and therefore does not establish a *prima facie* case of anticipation. As mentioned earlier, Csapo is directed to a method of operating a wireless internet network, where an internet base station (IBS) initiates an internet based voice call connection upon positive acknowledgement from an HLR, and initiates an ISDN local exchange connection when the HLR is unable to provide information about the called party number.

Applicants' claims are directed to systems and methods for managing the routing of information to a destination through a plurality of networks, wherein at least one of the networks is a packet network.

Claim 2 is directed to such a system comprising, among other elements, wherein a "processor determines a route for the transmission of the information based on the query signal, based on the identified subscriber service associated with the destination, and based on characteristics stored in the memory, wherein one of the one or more characteristics of the destination includes information indicating the type of equipment at the destination."

In contrast to the system of claim 2, Csapo does not describe, *inter alia*, determining a route based on (1) a query signal, based on (2) an identified subscriber service, or based on (3) characteristics stored in the memory, let alone all three factors (The characteristics include information associated with at least one of two different types of equipment at the destination). As mentioned earlier, the internet base station of Csapo queries a home location register (HLR) for simply whether the HLR contains

² MPEP section 2131, p. 70 (Feb. 2003, Rev. 1). See also, *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990) (to establish a *prima facie* case of anticipation, the Examiner must identify where "each and every facet of the claimed invention is disclosed in the applied reference."); *Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995) (anticipation requires that each claim element must be identical to a corresponding element in the applied reference); *Atlas Powder Co. v. E.I. duPont De Nemours*, 750 F.2d 1569, 1574 (1984) (the failure to mention "a claimed element (in) a prior art reference is enough to negate anticipation by that reference").

any information about a destination. The internet base station does not consider any other information in choosing how to connect a source with a destination, it merely relies on whether information is received from the HLR. If the HLR does not provide information about the queried destination, the internet base station assumes the destination is land line equipment, and proceeds accordingly, regardless of what type of equipment may exist there. Therefore, if a called party number (a destination) is a mobile subscriber, the system of Csapo is able to identify a type of service being used by equipment at a destination. However, in a situation where the called number (again, the destination) is not a mobile subscriber, Csapo is not able to identify the type of service being used. At most, Csapo relies on one type of information. For example, if Csapo assumes a call is a land line call, it still cannot determine if a called party number is a wired voice number or a facsimile number, and would use the same path to the destination in either case. In contrast, elements of claim 2 describe the ability to positively identify a called party number and intelligently determine a route to a destination within the network. Therefore, Csapo does not teach or suggest the ability to determine a route based on more than one source of information (such as information from a query signal, based on an identified subscriber service, and based on characteristics stored in the memory).

Because Csapo does not describe at least this element (positively considering three data elements in routing decisions), it does not anticipate the claimed invention. Applicants respectfully submit that claim 2 is allowable at least for the above reasons and request that the rejection to claim 2 (and any claims depending from claim 2) be withdrawn.

Claims 13 and 15 recite elements similar to claim 2, including "determining a route for the transmission of the information based on the query and based on the one or more stored characteristics, wherein the one or more stored characteristics include information indicating the at least one of two types of equipment at the destination." For at least the above reasons, claims 13 and 15 (and any claims depending from claim 13 or 15) are also allowable and applicants request that the rejection likewise be withdrawn.

Claims 22 and 29 recite elements similar to claim 2, including "the processor identifies a subscriber service associated with the destination" and "the processor determines a route for the transmission of the information based on the query signal and based on information relating to the type of information receivable by the equipment at the destination" wherein "the destination being one of at least two possible destinations, wherein at least two different types of equipment are each associated with a possible destination." For at least the above reasons, claims 22 and 29 (and any claims depending from claim 22 or 29) are also allowable and applicants request that the rejection likewise be withdrawn.

Rejections under 35 U.S.C. 103

Claim 16 stands rejected under 35 U.S.C. as being unpatentable over U.S. Patent No. 5,910,946 to Csapo in view of U.S. Patent No. 6,584,094 to Maroulis et al.

Because the claim from which this claim depends is allowable as discussed above with respect to the section 102(e) rejections, the claim that depends from this claim is also allowable.

Conclusion

Overall, the applied reference does not teach or suggest the features recited in amended independent claims 2, 13, 15, 22, or 29 and thus such claims are allowable. Since these independent claims are allowable, based on at least the above reasons, the claims which depend from them are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or

believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3599.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 101948011US from which the undersigned is authorized to draw.

Dated: November 10, 2005

Respectfully submitted,

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